IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE A.K.BASHEER

TUESDAY, THE 16TH JANUARY 2007 / 26TH PAUSHA 1928

LA.App..No. 220 of 2005(D)

LAR.103/1998 of .SUB COURT, THALASSERY
.....

APPELLANT: RESPONDENT:

STATE OF KERALA.

BY GOVERNMENT PLEADER SRI.K.V.MANOJ KUMAR

RESPONDENTS: CLAIMANT:
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1. MUNDAVEETTIL AMBUJAM,
MUNDAVEETTIL, PANDAKKAL, MAHE.

2. MUNDAVEETTIL GEETHA, MUNDAVEETTIL,
PANDAKKAL, MAHE.

3. MUNDAVEETTIL MADHU, MUNDAVEETTIL,
PANDAKKAL, MAHE.

BY

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 16/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & A.K.BASHEER,JJ.

C.M.Appln.No.278 of 2005
in L.A.A.No.220 of 2005

Dated this the 16th day of January, 2007

O R D E R

Kurian Joseph,J.

This is a petition to condone the delay of 765 days in filing the appeal against the judgment and decree in L.A.R.No.103/1998 on the file of the Sub Court, Thalassery. The reference is of the year 1998. The certified copy was received on 28-9-2002. The same, as per the affidavit, was submitted to the District Collector on 5-11-2002. However, the same was put up before the Collector only on 16-12-2004. There is absolutely no explanation for the inordinate delay of more than two years in the office of the District Collector. On merits also it is seen that the enhancement is only from Rs.9313 per Are to Rs.13350 per Are. The claimants had taken out a Commission and Ext.C1 is the report of the Commission. Ext.A1 document was marked and AW1 was

examined also. On the side of the appellant there was no evidence at all. On merits also we do not find any reason for condoning the delay. Accordingly the delay condonation petition is dismissed.

(KURIAN JOSEPH, JUDGE)

(A.K.BASHEER, JUDGE)

ahg.

KURIAN JOSEPH & A.K.BASHEER,JJ.

L.A.A.No.220 of 2005

Dated this the 16th day of January, 2007

JUDGMENT

Kurian Joseph,J.

In view of the dismissal of the petition for condonation of delay, this appeal is also dismissed.

(KURIAN JOSEPH, JUDGE)

(A.K.BASHEER, JUDGE)

ahg.